

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**RECEIVED**

APR 2020

Jacob Anthony Allen

(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

IF THE PLAINTIFF IS A PRISONER:

PRISONER #

030535

vs.

Sheriff Rodney Smith et al

(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

Athens County Sheriffs Department

South Eastern Ohio Regional Jail

Heather Dorsey - Health Care Administrator

**MAGISTRATE JUDGE DEEVERS**

**COMPLAINT**

**I. PARTIES TO THE ACTION:**

**PLAINTIFF:**

PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

Jacob Anthony Allen

NAME - FULL NAME PLEASE - PRINT

16677 Riverside Dr

ADDRESS: STREET, CITY, STATE AND ZIP CODE

Nelsonville Ohio 45764

(740) - 590 - 3300

TELEPHONE NUMBER

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

**IF YOU ARE A PRISONER FILING A CIVIL SUIT THE FOLLOWING INFORMATION IS REQUIRED:**

**PREVIOUS LAWSUITS:**

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES ( ) NO ☒
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

**1. PARTIES TO THIS PREVIOUS LAWSUIT**

**PLAINTIFFS:**

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**DEFENDANTS:**

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**2. COURT (IF FEDERAL COURT, NAME THE DISTRICT; IF STATE COURT, NAME THE COUNTY)**

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**3. DOCKET NUMBER**

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**4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED**

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**5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)**

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**6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT**

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**7. APPROXIMATE DATE OF THE DISPOSITION**

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PLACE OF PRESENT CONFINEMENT

South Eastern Ohio Regional Jail.

- A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?  
YES (☒) NO ( )
- B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE  
PRISONER GRIEVANCE PROCEDURE? YES (☒) NO ( )

C. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

Completed I.C.R.

2. WHAT WAS THE RESULT?

I.C.R. denied

D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.

E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID  
YOU COMPLAIN TO PRISON AUTHORITIES? YES ( ) NO ( )

F. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

2. WHAT WAS THE RESULT?

## DEFENDANTS:

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. Sheriff Rodney Smith et al  
NAMES - FULL NAME PLEASE  
Athens County Sheriffs Department Athens, Oh, 45701  
ADDRESS - STREET, CITY, STATE AND ZIP CODE
2. South Eastern Ohio Regional Jail - Warden Jo Vanbiber  
16677 Riverside Drive, Nelsonville Oh 45764
3. Heather Dorsey - Health Care Admin.  
16677 Riverside Drive, Nelsonville Oh 45764
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.

South Eastern Ohio Regional Jail  
Attorney Information:

Garry Hunter  
26 South Congress St.  
Athens, Ohio 45701

Phone #  
(740) 592-5508



## STATEMENT OF CLAIM

PLEASE WRITE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. INCLUDE THE NAME OF ALL PERSONS INVOLVED. GIVE DATES AND PLACES.

DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS; PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

On March 29, 2020. I Jacob Allen was pulling up to my Motel, Hampton Inn on East State Street Athens, Ohio 45701. At approximately 8:00pm. When all a sudden the Athens County Sheriffs Department. Aggressively swarmed my vehicle. Deputy Palencito was screaming I will shoot you. You son-of-a-B\*\*\*\*. At that moment my P.T.S.D. must have taken control of my body. I have suffered from P.T.S.D. since childhood, But symptoms gotten worse since my time in the military. My mother was on the phone the entire time. But I didn't know. This was so traumatic. Just to think about and elaborate to you about this is making my anxiety set in. All I recall is coming to when I was face down in the dirt with handcuffs on and a deputy punching me in the side/right side of my head, he stated I should have just shot your faggot A\*\*. Then I was violently brought to my feet. I kept apologizing due to I didn't know what I have or had done. Then they kept yelling and spitting in my face. Saying Shut up fag.

-5- (see attached)

At that moment I knew my entire existence was at risk. They would not hesitate to take my life if I stepped wrong. But my health conditions was making it difficult for me to even walk. But I asked repeatedly please may I sit down (He) Deputy said sit down I will take you. Finally made it to one Cruiser and they through me in cussing me. Deputy Palemento got in the front seat and said I was gonna shoot the Mother fucker. His fellow Deputies said watch what you say you are on camera. He got out. The Cruiser was stuck so I got out and was being escorted they made me climb a fence with my hands cuffed behind my back. I couldn't at first they said do it or I'm gonna throw your ass over it. The Deputy said I bet if there was a naked man over there you could do it fight faggot. I climb to the top of the fence with no assistance I fell from the top and landed directly on my face, they all laughed I was in so much pain. They jerked me up and walked me to the next Cruiser. Sat me on the ground. I kept begging for Medical Help. They at first wouldn't let me lay on the ground. But at that moment. My Body couldn't stay sitting up.



it gave way and I feel as if they was wanting me to just die. As I layed on the ground like common road kill. The Deputies Began to talk foul about my mother. Stating she was a dirty ass stripper from back in the day who has fucked everyone. They doubt that my sister who is dying of cancer is even my real sister. I asked the deputy this when we was going down the road. Why they said this about my mother he had no reply. Within 15 minutes I arrived at the South Eastern Ohio Jail. After many attempts of asking for Medical Help I recieved none.

Than comes to when I arrived at the regional jail. I asked the CO's for medical help recieved none was put in the tank. Removed from the tank after Approx. 1 hr. taken to the CO's round staff desk ask questions. I listed most of my Medical conditions to the CO his name was Chuseman. He stated to me that I could tell the nurse in a Kite. So once I was able to Kite the nurse And speak to them they have done absolutley nothing for me besides hand me some cold medicine and Tylenol. I've sent multiple request. I was told they can not find my files. I told All Medical Staff and the jail and the Sheriffs Department

Of my Thoracic Outlet Syndrome. I had a scheduled surgery on April 13, 2020. But did not get transported there. I was to have my two ribs removed from my upper left chamber. A metal brace placed there. I don't get good circulation and some main arteries are pinched rather bad. This is very fatal. But to everyone else has no care and wants me to expire sooner than I should. I have Dyspnea, high blood pressure. Several blood clots. I am supposed to be receiving blood thinner shots 3x times a day. I have a mass on my Gall bladder that is at the size of possible cancer. Ever since I was punched in the head repeatedly and through my face from a 5ft drop. I have really bad migraines everyday. My vision on my right eye is gotten decreasingly worse. I can barely see out of it. I have severe spinal issues.

My Mental Health diseases are listed as below:

- Post Traumatic Stress Disorder
- Personality disorder
- manic depressive
- bi-polar
- panic anxiety disorder
- suicidal ideations
- homicidal/suicidal tendencies.
- schizophrenia.

Which none of these are being treated since incarcerated. I need to be at the V.A. Hospital or some Mental Health facility.



All of my physical and mental conditions have been brought to the Attention of: Athens County prosecuting Attorney, Athens County Sheriffs office, with Eastern Ohio Regional Jail. Heather Dorsey health care Admin. for Regional Jail. But it doesn't seem to matter cause none has been address or even talked about so I am hoping that the State of Ohio doesn't want me to just lay down and expire. Like Athens County does As a Veteran of the United States of America. I can not even believe I am being treated this way.

- The Eight Adment affords the constitutional minimum protection against conditions of confinement, which constitutes health threats and is in violations of plaintiffs Eight Admendment. To sufficiently serious deprivation of serious medical needs. The official must both be aware of facts to diminstrate the infrence which could be drawn that a substaintale risk of serious harm exists. And he must also draw the inference. Therefore finding that the defendants deliberatley disregarded that risk. After learning of that risk. And being deliberatley indifferent to plaintiffs serious medical needs

Case law

Cook vs. Sicilian

Green vs. Brennan 511 US 825, 837

Plaintiffs pleadings provided legal viability and stated claim, which upon relief could be granted under 42 USC 1983. Plaintiff has provided legal arguments for which relief may be granted. Due to deliberate indifference to medical needs.

Thank you so very much for your time and consideration on this matter. But I come before the court on bended knee my life and safety and medical well-being is in danger

Respectfully Submitted  
Jacob A. Allen  
4/19/2020



**RELIEF**

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

Plaintiffs pleadings provided legal viability and Stated claim, which upon relief could be granted under 42 USC 1983. Plaintiff has provided legal arguments for which relief may be granted. Due to deliberate indifference to medical needs Plaintiff demands Jury Trial and that the defendants be required to pay \$725,000.<sup>00</sup> if and when case is successful. Plaintiff request an injunction to require that the South Eastern Ohio Regional Jail provide adequate medical care and/or transfer me to a facility that can. I am requesting for SEORJ to reschedule Thoracic Outlet Syndrome Surgery and all other missed physical and Mental Appts

SIGNED THIS 19 DAY OF April 2020

  
SIGNATURE OF PLAINTIFF